

REMARKS/ARGUMENTS**Status of the Claims:**

Claims 1,2,6,9 and 19-26 are pending.

Claims 1, 2, 6, 9, 19-26 stand been rejected under 35 U.S.C. § 112

Claims 1, 2, 6, 9, 19-26 stand rejected under 35 U.S.C. § 101

Claims 1, 2, 6, 9, 19-26 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Biren Prasad, JIT quality matrices for strategic planning and implementation*, 15, 9 Int'l J. of Operations & Production Mgmt. 116 (1995). *Prasad* is directed toward the development of the JIT quality matrices

Claims 1, 19 and 23 have been amended.

Claims 2, 20 and 24 have been cancelled herein.

Arguments Against Claim Rejections, Clarification with Amendments***Claim Rejections - 35 U.S.C. §112***

Claims 1, 2, 6, 9, 19-26 have been rejected under 35 U.S.C. § 112, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully traverse the rejections by amending independent claims 1, 19, 23 and canceling dependent claims 2, 20, 24 in order to clarify the invention.

The Examiner submits, with respect to claims 1, 19, and 23, that "since the term 'product' is used in conjunction with not only two vectors, but also a constant, it is not clear whether a dot product or a cross product operation is being performed." Amendment to independent claims 1, 19, and 23 omit the word 'product' to clarify claims. The Applicant also respectfully wishes to make note that the amendments do not include any new matter.

The Examiner also submits, with respect to claims 1, 19, and 23, that "it is not clear whether the word 'term' that results from the vector operation is a single number or is an another resulting vector". Amendments to independent claims 1, 19, and 23 replace the word 'term' with 'matrix' to further clarify.

In addition, claims 6 and 9 having substantially the same limitations as claim 1, and claims 20, 21, 22 having substantially the same limitations as claim 19, and claims 25 and 26 having substantially the same limitations as claim 23 are therefore patentable at least for the same reasons. Accordingly, the Applicant respectfully requests that the instant 112 rejections be withdrawn.

Claim Rejections - 35 U.S.C. §101

Claims 1, 2, 6, 9, 19-26 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. In order to be statutory, the claimed invention must produce a useful, concrete, and tangible real-world result. Applicants respectfully traverse the rejections by amending independent claims 1, 19, 23 and canceling dependent claims 2, 20, 24 in order to clarify the invention.

The Examiner recites that "the result of the claimed method does not produce a tangible result, since the result is not, for example, outputted on a display or a report." Amendments to independent claims 1, 19, and 23 add "...the final rating is displayed to the customer through an interface..." In addition the Examiner also cites that "there is no real-world practical application recited and the steps are considered to fail the useful test." Claims 1, 19, and 23 have been amended to include "...a final rating value is displayed to a customer in order to assess a supplier." Therefore, a real-world practical application is realized, and the steps in the method do not fail the useful test. In addition, claims 6 and 9 having substantially the same limitations as claim 1, and claims 20, 21, 22 having substantially the same limitations as claim 19, and claims 25 and 26 having substantially the same limitations as claim 23 are therefore patentable at least for the same reasons. Accordingly, the Applicant respectfully requests that the instant 101 rejections be withdrawn.

Claim Rejections - 35 U.S.C. §103

Claims 1, 2, 6, 9, 19-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Biren Prasad, JIT quality matrices for strategic planning and implementation*, 15, 9 Int'l J. of Operations & Production Mgmt. 116 (1995). *Prasad* is directed toward the development of the JIT quality matrices.

Applicants respectfully traverse the rejections by amending independent claims 1, 19, 23 and canceling dependent claims 2, 20, 24 in order to clarify the invention. Amended independent claim 1 is indicative and recites an element not found in *Prasad*:

calculating a final rating value in response to the plurality of performance ratings wherein the final rating is displayed to the customer through an interface and to assess a supplier.

Consequently, since *Prasad* does not disclose the element recited in independent claim 1 and/or how these elements can be combined in the manner claimed, Applicants submit that claim 1 should now be allowable over the cited reference.

Claims 6 and 9, which directly or indirectly depend on claim 1 should be allowable for the same reasons as claim 1.

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Claim 19 is an article of manufacture with substantially the same limitations as claim 1, and therefore should be allowable for the same reasons as claim 1.

Claims 21 and 22, which directly or indirectly depend on claim 19, should be allowable for the same reasons as claim 19.

Claim 23 is a system claim with substantially the same limitations as claim 1, and therefore should be allowable for the same reasons as claim 1.

Claims 25 and 26, which directly or indirectly depend on claim 23, should be allowable for the same reasons as claim 23.

CONCLUSION


Applicants have amended the claims to further clarify features that are not described or suggested by the references. For these reasons, Applicants respectfully requests that the Examiner reconsider and withdraw the rejections of the claims.

A notice of appeal is also included herein. A three-month extension is also requested. The Commissioner is authorized to charge \$250 for the notice of appeal, \$510 for the petition for extension of time, and any additional fees due or credit any overpayment to Deposit Account No. 50-2421.

In view of the discussion herein, Applicants believe that all pending claims are allowable and respectfully request a Notice of Allowance for this application from the Examiner.

Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at 408-288-7588.

Respectfully submitted,


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